

EXP07

HONORABLE SUZANNE M. BARNETT

**FILED**  
KING COUNTY, WASHINGTON

FEB 06 2009  
SUPERIOR COURT CLERK  
BY JOSEPH MASON  
REPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

GEE WEST SEATTLE, LLC,

Plaintiff,

NO. 07-2-32166-7 SEA

v.

HULING BUICK, INC., *et al.*,

Defendants.

**STIPULATION AND ORDER  
STAYING PROCEEDINGS AND  
SUBMITTING CLAIMS TO  
ARBITRATION**

HULING BUICK, INC., a Washington corporation; HULING BROS. CHRYSLER JEEP, INC., a Washington corporation; HULING BROS. CHEVROLET, INC., a Washington corporation; HULING BROTHERS PROPERTIES, LLC, a Washington limited liability company; and STEVEN DALE HULING,

Counterclaim Plaintiffs,

**CLERK'S ACTION REQUIRED**

v.

GEE WEST SEATTLE, LLC, a Washington limited liability company,

Counterclaim Defendant.

STIPULATION

Defendants/Counterclaim Plaintiffs Huling Buick, Inc., Huling Bros. Chrysler Jeep, Inc., Huling Bros. Chevrolet, Inc., Huling Brothers Properties, LLC, Stephen Dale Huling and Tom D. Huling III (collectively, "Huling"), and Plaintiff/Counterclaim Defendant Gee West

STIPULATION AND ORDER STAYING PROCEEDINGS - 1

121026.0003/1669243.1

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ORIGINAL

1 Seattle ("Gee"), by and through their undersigned counsel of record, hereby stipulate and  
2 agree as follows:

3 1. Huling is party to an Asset Purchase and Sale Agreement ("Agreement") dated  
4 July 18, 2006. Gee is party to the Agreement by way of an Assignment and Assumption of  
5 Agreement dated on or around January 5, 2007.

6 2. Section 18.17 of the Agreement contains a binding arbitration clause that  
7 provides in pertinent part: "If a dispute arises between the parties concerning the provisions of  
8 this Agreement and such dispute does not involve a claim for equitable relief, and as a  
9 condition precedent to suit or action thereon, the dispute shall be submitted to arbitration."  
10 Gee's complaint no longer includes a claim for equitable relief as a result of this Court's  
11 November 21, 2008 Order Granting Defendants' Motion for Partial Summary Judgment  
12 dismissing Gee's claim for rescission.

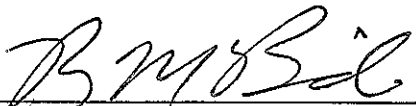
13 3. The parties have agreed to initiate private arbitration proceedings to resolve the  
14 claims asserted in Gee's complaint and Huling's counterclaim.


15 4. In light of the foregoing, the parties agree that all proceedings in the above-  
16 captioned matter should be stayed pending the outcome of the arbitration.

17 RESPECTFULLY SUBMITTED this 3<sup>rd</sup> day of February, 2009.

18  
19 LANE POWELL PC

GORDON TILDEN THOMAS & CORDELL  
LLP

20  
21 By   
22 Randall P. Beighle, WSBA No. 13421  
23 Ryan P. McBride, WSBA No. 33280  
Attorneys for Defendants and Counterclaim  
Plaintiffs

By  For:  
Jeffrey I. Tilden, WSBA No. 12219  
Michael Rosenberger, WSBA No. 17730  
Attorneys for Plaintiff and Counterclaim  
Defendant

24  
25  
26  
STIPULATION AND ORDER STAYING  
PROCEEDINGS - 2

121026.0003/1669243.1


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**ORDER**

The Court, having considered the foregoing Stipulation, hereby:

ORDERS that this matter STAYED pending the outcome of the parties' arbitration or further order of the Court.

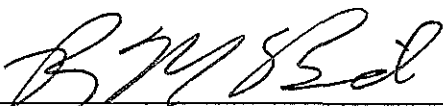
DONE this 5 day of February 2009.

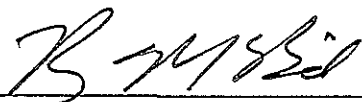
  
The Honorable Suzanne M. Barnett

Presented by:

LANE POWELL PC

GORDON TILDEN THOMAS & CORDELL  
LLP

By   
Randall P. Beighle, WSBA No. 13421  
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Attorneys for Defendants and Counterclaim  
Plaintiffs

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Defendant